(d) the details of charges listed in the show cause notice of 1st June, 1990 and those listed in the charge-sheet of dated 21st May, 1990?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) Employees referred to ing Executive and one former Medical ing Executive and one former Medical Representative of IDPL. The authority take a decision in respect of such employees is the management of the company. These two employees were charge-sheeted In November/December, 1989 respectively under Rule 25 of IDPL Conduct, Discipline and Appeal Rules.

(b) Suspension is not an automatic and mechanical process. The attendant circumstances, gravity of the charge and such relevant factors whether the employees concerned are likely to temper with documents, evidence or influence witnesses and others, are also looked into.

(c) The said two employees were not placed under suspension. They were on unauthorised absence from duty. They were not entitled to any substitence allowance or leave salary.

(d) The sole charge listed in the show cause notice dated 1.6.90 was unauthorised absence from duty for more than 30 days. In the charge-sheet dated 21.5.90, the charges were unauthorised absence from 12.3.89 and use of intemperate language, smacking of insubordination on the part of the former Marketing Executive of IDPL.

Inquiry conducted by the Director

1913. SHRIMATI KAMLA SINHA: Will the PRIME MINISTER be pleased to refer to the reply given to the Unstarred Question No 226c dated 30th July, 1992 and 4622 dated 20th August, 1992 and state:

(a) whether it is a fact that prior to the transfer, the marketing executive was condemned on consideration by the then Director (Mktg.) and was affirmed by him and are available on records, if so, what are the reasons therefor;

(b) whether an enquiry was entrusted on the charges of the Director (Mkt,.) against the said employee by the then Executive Director (V) with reasons therefor;

(c) if so, what was the outcome of the enquiry;

(d) whether the charges were proved or not, if so, the reasons therefor; and

(e) whether it is a fact that the said marketing executive was sanctioned leave up to 31st May, 1989?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) No, Sir.

(b) to (d) Some investigations were made and there was no prima facie case for any action. It was not necessary to reveal the details of the investigations to the official.

(e) No, Sir.

Safeguards provided in IDPL Rules

1914. SHRIMATI SARALA MAHESHWARI: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that the Law Ministry has given their opinion on the validity of the newly introduced rule 30+1 A of IDPL to the Ministry of Chemicals;

(b) if so, the details thereof;

(c) if not, the reasons therefor;

(d) what is the rule 30 of IDPL, CDA Rules, the details thereof; and

(e) what safeguards are provided in rule 30-A for the employees, with reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) to (c) The advice of the Law Ministry is awaited.

(d) The rule provides for termination of the services of a permanent employee or a temporary employee on the following contingencies:

(i) if the post held by an employee is abolished ;

(ii) if an employee is declared to be unfit on medical grounds for the service of the company; and

(iii) if an employee remains on unauthorised absence for 30 days or more.

The Rule also provides for the following:

(1) In case of (i) and (ii) above, the services shall be terminated after giving 3 months' notice to a permanent employee and one month's notice to a temporary employee or pay in lieu thereof in both cases;

(2) In the case of (iii) above, services of an employee can be terminated if he fails to explain his conduct satisfactorily within 15 days from the date of receipt of the Show Cause Notice by him. The management is empowered to take a decision without resorting to further inquiries.

(3) The decision in case of (iii) above, can be taken only with the prior approval of a Screening Committee of two Directors/Executive Directors to be constituted for this purpose by the Chairman and Managin Director. The reasons for the decision are to be recorded in writing.

(e) The IDPL Conduct, Discipline and Appeal Rules, 1978 do not provide for appeal against an order passed under Rule 30-A. In terms of Rule 33 of the said rules, an order passed under the IDPL, CDA Rules including Rule 30-A, can be reviewed, suo-moto, or on a petition from the affected employees.

Not Joining of duty at Transferred Places

1915. SHRI M. A. BABY: Will the PRIME MINISTER be pleased to refer to the reply given to the unstarred question No. 2914 dated 18th March, 1993 and state:

(a) on what pretext the said employee was not joining at the transferred place with the details thereof;

(b) what is the statement of these employees who were either sanctioned leave or refused in Marketing Division and H.O. of IDPL between 15th March, 1989 and 30th June, 1990 together with reasons therefor;

(c) whether it is a fact that the referred employee had requested the management of IDPL eight times in writing that either he should be cleared or punished on the charges levelled by the then Director (Marketing); and

(d) if so, what action was taken on the repeated request of the employee with the reaons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO): (a) The employee referred to in the question is a former Marketing Executive of IDPL. The said employee had linked his transfer with certain alleged complaints against him by the then Director (Marketing) and the employee had been insisting that the allegations should be looked into first.

(b) Out of the transferred employees, leave to regularise unauthorised absence was subsequently granted only to those who had finally complied with the transfer orders and reported for duty at new station.

(c) and (d) The management had informed the concerned official that there was no prima facie case for any action.